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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,117	04/02/2001	David W. Boyd	10003824-1	9177

7590

12/21/2004

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

AL HASHEMI, SANA A

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicant(s)

09/824,117

Applicant(s)

BOYD ET AL.

Examiner

Sana Al-Hashemi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-45 and 53-58 is/are pending in the application.
- 4a) Of the above claim(s) 46-52 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33-45 and 53-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. **Claim Status: 33-45 rejected and 46-52 withdrawn from consideration.**

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 33-38, 40-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Slater et al. (US Patent 6,483,570).

Regarding Claim 33, Slater discloses a method comprising:

providing a plurality of images (see column 5, lines 52-55, Slater);

providing information associated with at least one image of the plurality of images and storing the information in a database (see column 5, lines 55-67, Slater);

generating a label having an identifier, wherein the label is adapted to be affixed to a storage device that is adapted to hold printed copies of the plurality of images (see column 6, lines 1-8, Slater); and

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associating, in the database, each image of the plurality of images with the identifier (see column 6, lines 15-20, Slater).

Regarding Claim 34, Slater discloses a method further comprising:

storing each image of the plurality of images in the database (see column 7, lines 30-37, Slater);

Regarding Claims 35, and 44, Slater discloses a method wherein providing information comprises:

forming metadata during formation of the at least one image (see column 7, lines 51-54, Slater).

Regarding Claim 36, Slater discloses a method wherein providing information comprises:

inputting, by a user, the information (see column 10, lines 19-27, Slater).

Regarding Claims 37, and 43, Slater discloses a method wherein the information is at least one of:

GPS coordinates;

a time;

a date;

camera information;

an audio file;

at least one keyword;

a description of subject matter of the image (see column 15, lines 1-6, Slater); and

an event associated with the image (see column 6, lines 1-10, Slater).

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Regarding Claims 38, Slater discloses a method wherein the storage device is selected from the group consisting of:

an envelope (see column 7, lines 60-65, Slater);

an album; and

a box.

Regarding Claim 40, Slater discloses a method further comprising:

forming at least a portion of the plurality of images by a non-digital camera (see column 10, lines 32-39, Slater); and

converting the at least a portion of the plurality of images into digital form (see column 10, lines 2-10, Slater).

Regarding Claim 41, Slater discloses a method further comprising:

placing the label on the storage device (see column 7, lines 60-65, Slater); and

placing printed copies of the plurality of images in the storage device (see Fig. 7, Slater).

Regarding Claim 42, Slater discloses a method further comprising:

searching the database with a query to locate a printed copy of one image of the plurality of images (see column 6, lines 31-43, Slater);

providing the identifier associated with the one image (see column 6, lines 44-47m Slater) ;

locating the storage container with the label having the identifier (see column 6, lines 45-49, Slater);

searching the storage container for the printed copy of the one image (see column 7, lines 30-35, Salter).

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Regarding Claim 45, Slater discloses a method further comprising:

searching the database with a query to locate the printed copy of the image (see column 6, lines 31-43, Slater); and

providing the thumbnail representation of the image (see column 10, lines 19-27, Slater).

Regarding Claim 53 Slater discloses a method comprising:

automatically producing meta-data associated with an image when the image is produced (see column 14, lines 7-17, Slater¹);

associating user data that a user inputs, with the image (see column 15, lines 24-44, Slater);

providing the meta-data and user data into a database (see column 9, lines 56-65, Slater);

generating a label that is adapted to be affixed to a storage device adapted to hold printed copy of the image, wherein the label has an identifier to identify the image (see column 12, lines 11-29, Slater); and

providing the identifier into the database (see column 12, lines 29-34, Slater).

Regarding Claim 54, Slater discloses a method further comprising:

associating voice annotation with the image (see column 14, lines 6-8, Slater); and

providing the voice annotation into the database (see column 14, lines 8-21, Slater)

Regarding Claim 55, Slater discloses a method further comprising:

providing a thumbnail representation of the image into the database (see column 11, lines 20-30, Slater); and

printing the thumbnail representation on the label (see column 11, lines 30-46, Slater).

¹ Since the label or tag is generated by the computer it reads on automatically producing.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Slater et al. (US Patent 6,483,570) in view of Reed (US Patent No. 6,426,801).

Regarding Claim 39, Slater discloses all of the claimed subject matter as set forth above. However, Slater is silent with regard to the method of forming at least a portion of the plurality of images by a digital camera. However, Reed on the other hand discloses the use of formatting at least a portion of the plurality of images by a digital camera (see column 6, lines 26-32, Reed). It would have been obvious to one of ordinary skill in the art to develop films from digital camera as suggested by Reed, with the motivation of increasing the market share and make it accessible for higher verity of customers, which in other words increase the company's revenue.

6. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Slater et al. (US Patent 6,483,570) in view of Kinjo (US Patent No. 6,813,395).

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Regarding Claim 56, Slater discloses all of the claimed subject matter set forth above. However, Slater does not disclose the use of the GPS to coordinates acquired at a time when the image is produced. On the other hand, Kinjo discloses the use of the GPS coordinating at the time the image is produced. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the GPS in coordinating the time of the image is to provide the user with higher and more specific details as taught by Kinjo column 23, lines 1-54.

Regarding Claim 57, Slater in view of Kinjo discloses a method further comprising:
searching for the image in the database by submitting a query to the database, wherein the query includes criteria associated with at least one of the meta-data and the user data (see column 24, lines 32-42, Kinjo).

Regarding Claim 58, Slater in view of Kinjo discloses a method further comprising:
displaying a thumbnail representation of the image upon matching the query to the image in the database (see column 17, lines 48-57, Slater).

Response to Arguments

Applicant's arguments filed 8/11/04 have been fully considered but they are not persuasive.

Applicant argues that Slater et al (hereinafter Salter) fails to disclose the limitation "providing information associated with at least one image of the plurality of images, at the time said at least one image is captured."

Examiner disagrees. Referring to column 5, lines 51-54 Slater discloses the step of providing information "content identification" associated with each image when the scene is

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captured, and each image must have an information associated with it at least the image number which read in the limitation subject matter.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to: Sana Al-Hashemi whose telephone number is (571) 272-4013.

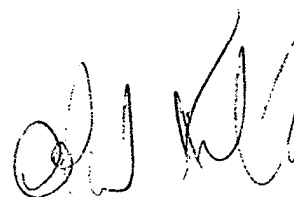
The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet

Metjahic, can be reached on (571) 272-4023. Any response to this office action should be mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone number (703) 746-9890. For formal or draft communications, please label

“PROSPOSED” or “DRAFT”. Hand-delivered response should be brought to

Crystal Park II, 2121 Crystal Drive, 6th Floor Receptionist, Arlington, Virginia. 22202.

Sana Al-Hashemi
Patent Examiner
Technology Center 2100
December 7, 2004



**ALFORD KINDRED
PRIMARY EXAMINER**